

**Notice of Allowability**

Application No.

10/714,890

Examiner

Thai-Ba Trieu

Applicant(s)

TABATA ET AL.

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1.
3. ☐ The drawings filed on \_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_

*Thai-Ba Trieu*  
Thai-Ba Trieu  
Patent Examiner  
Art Unit 3748  
07/06/2004

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The Prior Art fails to disclose or render obvious the claimed combination of a device for preventing the turbocharger from over-running including:

*“ a pressure adjusting valve arranged in said negative pressure pipe and for adjusting the pressure in said negative pressure chamber, and a control means for controlling said pressure adjusting valve so that the pressure in the negative pressure chamber becomes equal to the target pressure, based on the atmospheric pressure detected by said atmospheric pressure sensor and on the pressure in said negative pressure chamber detected by said pressure sensor”.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dutart (US Patent Number 6,467,269 B1) discloses an altitude compensation for turbocharger waste gate.
- Oleksiewicz (US Patent Number 6,178,748 B1) discloses an altitude compensating waste gate control system for a turbocharger.

- Kurihara (US Patent Number 5,289,683) discloses a method for controlling supercharging pressure in an automotive engine.
- Dahlgren et al. (US Patent Number 5,083,434) discloses a turbocharged internal combustion engine boost pressure control system.
- Otobe et al. (US Patent Number 4,697,421) discloses a supercharging pressure control system for an internal combustion engine with a turbocharger and method of operation.
- Kawabata (US Patent Number 4,642,991) discloses a turbocharger control system.
- Tadokoro et al. (US Patent Number 4,612,770) discloses a turbocharged engine with exhaust purifier.
- Kido (US Patent Number 4,603,552) discloses a safety device for turbocharged engine.
- Matsuki (US Patent Number 4,548,038) discloses a system for controlling the supercharging pressure of a turbocharged internal combustion engine.
- Suzuki (US Patent Number 4,468,928) discloses an altitude response turbocharger control system.
- Nartowski (US Patent Number 4,466,248) discloses a control device for turbine bypass valve of a turbocharged internal combustion engine.
- Rannenberg (US Patent Number 4,292,807) discloses a variable geometry turbo-supercharger system for internal combustion engine.

- Keller (US Patent Number 3,931,712) discloses an internal combustion engine turbocharger pressure control regulators.

- Inoue (patent Number JP 57052635 A) disclose a turbocharger unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai-Ba Trieu whose telephone number is (703) 308-6450. The examiner can normally be reached on Monday - Thursday (6:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on (703) 308-2623. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTB  
July 6, 2004



Thai-Ba Trieu  
Patent Examiner  
Art Unit 3748